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ABSTRACT

Developed by the New York State Education Department, these guidelines clarify the responsibilities of local educational agencies in providing appropriate services to limited English proficient (LEP) students who have or are suspected of having a handicapping condition. The intent of these guidelines is to insure that nonbiased procedures are employed to identify and assess LEP students being considered for referral to a Committee on Special Education (CSE); to assist in the proper placement of LEP students with special education needs in settings that address their cultural, linguistic and educational requirements; and to assure that both parents and students are afforded due process. All procedures detailed in this publication are currently required through existing laws, regulations, or guidelines. Subjects discussed include identification and referral of LEP special education students, multidisciplinary evaluation, individualized programs, data collection and reporting, personnel considerations, and due process. (JL)

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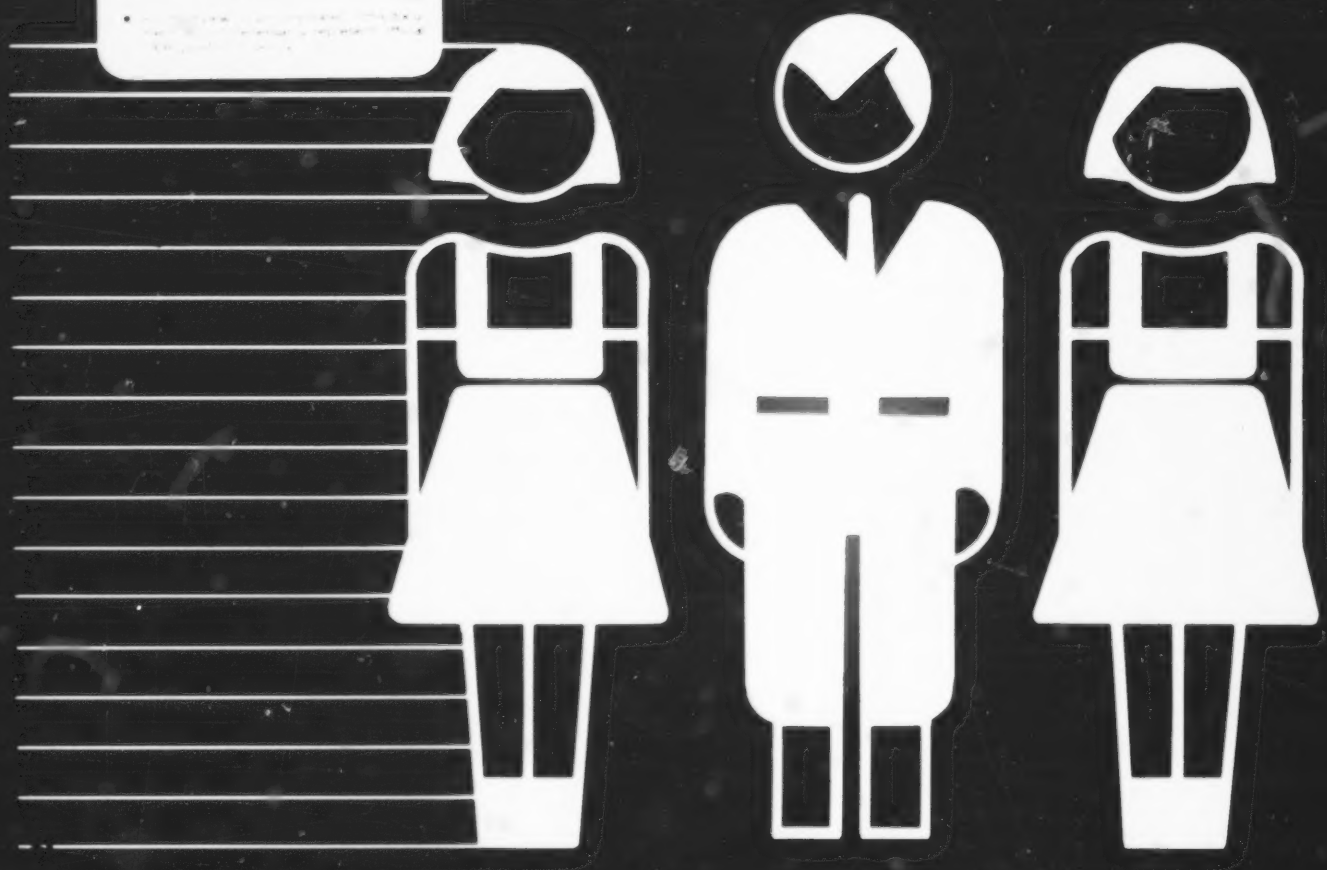

Guidelines For Services To Students With Limited English Proficiency And Special Education Needs In New York State

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Foreword

The development of this document brings together two regulations, *Part 200 of the Regulations of the Commissioner of Education* (*CR Part 200*) and *Part 154 of the Regulations of the Commissioner of Education* (*CR Part 154*). It is the result of a collaborative effort on the part of two units within the State Education Department, the Division of Bilingual Education and the Office for the Education of Children with Handicapping Conditions. The Division of Bilingual Education is responsible for overseeing programs serving limited English proficient (LEP) students in New York State. The Office for the Education of Children with Handicapping Conditions reviews programs serving students with special education needs. It is expected that this type of bridging document will help clarify the responsibilities of the local educational agencies in providing appropriate services to limited English proficient students who have or are suspected of having a handicapping condition.

The purpose of this document is to insure that nonbiased procedures are used to identify and assess students of limited English proficiency being considered for referral to a Committee on Special Education (CSE) for an evaluation; to assist in the appropriate placements of LEP students with special education needs in settings which address their cultural and linguistic, as well as special education needs; and to assure that both parents and students are afforded their due process rights. All procedures detailed in *Guidelines for Services to Limited English Proficient Students with Special Education Needs in New York State* are currently required through existing laws, regulations, or guidelines and are brought together in this one concise publication.

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I. INTRODUCTION

All pupils with handicapping conditions have the right to a free and appropriate public education that provides both special education services designed to meet the student's unique needs. Specific mandates for referral, evaluation, development of individual education programs (IEPs), placement, and annual reviews are defined by *Part 200 of the Regulations of the Commissioner of Education (CR Part 200)*. These mandates ensure that students with handicapping conditions are properly assessed, classified, and placed in appropriate programs. For students from diverse linguistic and cultural backgrounds, an education appropriate to their unique needs must include consideration of language and culture as an integral part of the referral, evaluation, development of IEPs, placement, and annual review process. Incorporation of language and culture will provide a more holistic and accurate reflection of the student's capabilities and learning characteristics.

CR Part 200 safeguards the provision of appropriate educational programs to students with handicapping conditions. For the purpose of such provision of services, a "...child with a handicapping condition means a person under the age of twenty-one who is entitled to attend public schools . . . and because of mental, physical or emotional reasons can only receive appropriate educational opportunities from . . . a program of special education. *Such term does not include a child whose educational needs are due primarily to unfamiliarity with the English language, environmental, cultural or economic factors*" (sic) (Aid to Localities Legislation, 1986.856.1).

In order to safeguard educational opportunities for students who are unfamiliar with the English language and the mainstream culture, *Part 154 of the Regulations of the Commissioner of Education (CR Part 154)* should be applied. Limited English proficient (LEP) students are assured of the provision of equal educational opportunities through these regulations. Such students are defined as those who ". . . speak a language other than English, and either understand and speak little or no English: ... or score below the statewide reference point or its equivalent, on an English language assessment instrument approved by the commissioner" (CR Part 154.2).

The purpose of this document is to define the special education process for culturally and linguistically diverse populations in New York State. As such, these guidelines will address specific provisions from both *CR Part 200* and *CR Part 154* as these provisions relate to the needs of the culturally and linguistically diverse population.

The initial step in the special education process begins with an appropriate referral and evaluation of the student. Inappropriate referrals and/or misdiagnosis due to a misinterpretation of cultural and linguistic diversity undermine a critical criteria of the definition of students with handicapping conditions—that educational needs cannot be due primarily to unfamiliarity with the English language, environmental, cultural, or economic factors. These factors may include not only unfamiliarity with the language and culture, but also lack of formal school experiences.

Once properly evaluated, it may be determined that the student is in need of special education services. The student must then be placed in an appropriate program in accordance with linguistic and cultural needs. Appropriate and effective programming for students with limited English proficiency who exhibit handicapping conditions is driven by the development of an individualized education program (IEP) for each student. In order to develop appropriate programs several variables must be considered. These variables include: culture, cognitive abilities, first and second language abilities, learning characteristics, and the strengths and weaknesses of the student based on the handicapping condition itself. The goals in the IEP should reflect the incorporation of all of these variables. In addition, native language instruction, instruction in English as a second language, and cultural identity should be reflected in these goals. Bilingual special education programs, therefore, must be simultaneously appropriate to academic, social, management and physical needs of the handicapped learner, as well as to the cultural and linguistic needs of the student, in both the native language and in English.

As stated by Baca & Cervantes (1984), the major goal of bilingual special education is "to help each individual student achieve a maximum potential for learning. Above all, the program is concerned with the child's cognitive and affective development . . . where language and culture are used as an appropriate means rather than as ends in themselves" (p. 18). It is only through the appropriate provision of bilingual special education services at all levels of special education programming (related services, resource rooms, self-contained classes, hospital and home instruction, and private schools) that this maximum

potential for learning can be achieved. Such services will lead to the positive self-concepts and motivational patterns that are intrinsic to increasing participation in regular education settings and eventually to the participation of limited English proficient students with handicapping conditions in society.

Through the bridging of the two major regulations in New York State, *CR Part 200* and *CR Part 154*, one can begin to ensure that students with limited English proficiency are not classified as handicapped because of language and/or cultural diversity. Further, when special education needs do exist, students should receive an appropriate education which emphasizes special education services designed to meet their unique needs through appropriate bilingual special education services.

II. IDENTIFICATION AND REFERRAL

The following procedures are recommended. These procedures are specific to the *identification* and *referral* of limited English proficient students who are suspected of having handicapping conditions.

A. IDENTIFICATION

The identification of limited English proficient (LEP) students who are experiencing difficulty in general education settings may be broadly divided into two categories: (a) limited English proficient students who have had previous academic (school) experiences; and (b) limited English proficient students who have recently enrolled in the school system in New York State and have had limited or no formal schooling in their native country.

1. LEP Students with Formal School Experiences

Prior to referring an LEP student with previous academic experiences for special education services, the following should be implemented and documented:

a. Instruction in the native language for content area development and extensive instruction in English as a second language (ESL);

b. Districts are encouraged to provide educationally related support services, in accordance with Section 32 of the 1986-87 Aid to Localities Legislation (ERSSA) (i.e., speech and language services, psychological, social work, and noncareer counseling services) by qualified bilingual/bicultural professional personnel, as appropriate;

The extent to which these services have been provided in the regular education setting should be documented prior to a school staff member initiating a referral for special education.

2. LEP Students with Little or No Formal School Experience

a. Description

Students who speak a language other than English and 1) have had limited schooling, 2) nonequivalent academic instruction, or 3) no formal schooling in their native country, must be identified. These students arrive in the United States and enroll in the schools at all grade levels. Since the students have had little or no formal educational experience, success as measured by U.S. grade level standards may be impeded by the student's lack of familiarity with formal school tasks, as well as by his or her cultural and linguistic diversity.

Due to the diverse cultural and experiential background of these students, as well as the lack of educational experiences intrinsic to curricular programming in the school system in New York State, these students may be expected to:

1. Perform poorly on standardized tests whose norms and content are based on experience and acculturation patterns of children raised in the United States; and
2. Experience some level of academic difficulty when enrolled, for perhaps the first time, in a formal educational setting.

b. Prereferral Strategies

For the above described category of student (2.a.) the following activities should be undertaken in a general education setting and documented prior to referral for special education services:

1. Participation in an academic readiness type program. This type of program is one specifically designed by the local education agency (LEA) for students who have had little or no formal schooling, for the purpose of enhancing their transition into the "culture of the school". Such programs should include the following, as appropriate:
   i. experiential-based educational methodology and techniques;
   ii. hands-on enrichment activities and community/school participation;
   iii. native language development and enrichment;
   iv. instruction in literacy skills in the native language and in English;
   v. the use of specialized ESL methodology and strategies across all curriculum areas;
   vi. school and community orientation;
   vii. reinforcement of self-identity, self-concept, and interpersonal skill development across contexts;
   viii. strategies designed to develop proficiency in behaviors necessary in academic settings (e.g., raising hand, eye contact); and

ix. planned parent involvement.

2. Intensive English as a second language instruction;
3. Educationally related support services, in accordance with Section 32 of the 1986-1987 Aid to Localities Legislation (i.e., psychological, social-work, and noncareer counseling services) provided by qualified bilingual/bicultural professional personnel, as needed;
4. As needed, speech and language improvement services in the native language of the student. These language improvement services are needed when impairments are determined not to adversely affect the student's educational performance but do present a barrier to communication in the native language (Section 912-b of the 1986-87 Aid to Localities);

The extent of the provision of the above-described strategies shall be documented when an initial referral is made by a school staff member. Parents and/or students, however, have the right to make a direct referral to the Committee on Special Education (CSE) at any time.

B. REFERRAL

1. Basic Requirements

The following requirements concerning the evaluation and placement of other-than-English language students are to be observed:

a. Requirements regarding *timelines* are the same as for all cases referred to CSE;

b. Requirements regarding *recordkeeping* are the same as for all cases tracked by the CSE;

c. Requirements regarding *Due Process Rights, Notifications* and *Communications*, and forms to be used are the same as for all cases referred, and must be provided to the parents in the appropriate language(s).

2. Specific Requirements

A referral submitted by persons other than the parent, pupil or a judicial officer should:

a. identify the reason for the referral and include any test results (in both languages as appropriate), records, or reports upon which the referral is based;

b. attach Home Language Identification Survey as required by *CR Part 154*;

c. based on the Home Language Survey, state the home language(s);

d. specify the level of language proficiency of the student as determined through compliance with *CR Part 154*. Report the date of testing, instrument used and language scores. If raw scores are deemed to be invalid, provide a comprehensive description of the student's language skills;

e. describe the extent to which the LEP student has received native language instruction and/or ESL services prior to the referral;

f. describe experiential and/or enrichment services for students from diverse cultural and experiential backgrounds;

g. describe the school's efforts to involve parents prior to referral;

h. describe the amount of time and extent of services in an academic program for students who have had little or no formal schooling (cf. Section II.A.2.b.(i));

i. identify length of residency of the referred student in the United States and prior school experience in the native country and in an English language school system; and

j. describe all attempts to remediate the pupil's performance prior to referral, including any supplementary aids or support services provided for this purpose.

For students who have been in the public school system in New York State and who have received services through *CR Part 154*, the Home Language Identification Survey and the results of language proficiency testing must be on file. This information must also be up to date. For students with obvious and/or documented handicapping conditions from educational settings outside of New York State, this information must be gathered. In this latter case, the responsibility for collection of the language proficiency testing rests with the Committee on Special Education (CSE).

III. MULTIDISCIPLINARY EVALUATION

A. INTRODUCTION

In accordance with *CR Part 200.4(b)*, an individual evaluation of the referred student shall be initiated by a CSE and shall include, at no cost to the parent, at least a physical examination, an individual psychological examination, a social history and other suitable examinations and evaluations as may be necessary to ascertain the physical, mental and emotional factors which contribute to the suspected handicapping condition.

1. Rationale

The interrelationships between language proficiency, educational/experiential background, cultural experiences, and learning characteristics are integral components of the evaluation process for LEP students. These variables greatly affect performance on standardized tests as well as affecting attitudes, motivation, and expectations in the school setting. The assessment of students from culturally and linguistically diverse background therefore, shall be mindful of the following issues:

- children must be tested in their dominant language;
- tests should be culturally nonbiased and reflect other than mainstream societal values;
- test results should not be the only indication of decisions about handicapping conditions for either initial placement or for retention in special education classes;
- all tests should be administered by persons who possess knowledge and skills related to both cultural and linguistic dimensions of diversity;
- decisions regarding special education placement should be made on the basis of sufficient information; and
- parental participation should be encouraged.

The above listed six issues are best addressed in the assessment process when one is cognizant of some specifics in the areas of culture and language. One must be aware that the cultural background of the student may be characterized by (a) family and community identification patterns, (b) social values and interpersonal relationships, (c) status within the family, (d) role definitions and responsibilities within the family, and (e) religious practices or beliefs. In addition, nonverbal communication is closely tied to language and culture and affects both the testing situation and the impressions of the evaluator.

Because of variables that reflect cultural diversities therefore, students may behave differently in testing situations: e.g., may be less aware of timed tasks, may take longer time in responding, or may respond in short, monosyllabic, concrete answers. In addition, poor attendance patterns may be due to the need for children to act as translators for their parents at different agency interviews.

The educational and experiential background of the student is developed through experiences in both formal and informal learning situations within the cultural framework of the family and community. This repertoire of experiences may be different than the experiences necessary for successful completion of test items. In addition, some students may not have had any prior experience with the format of standardized test activities.

Even when the student is being assessed in the native language, the level and context of his or her language proficiency may not match the language being used in the test. The language abilities of an individual can easily be overestimated. In order to avoid this overestimation, oral language skills must be contrasted with the overall language proficiency needed to succeed in cognitive and academic tasks.

The tasks included in standardized tests require cognitive and linguistic proficiency. These tasks tend to be context-reduced and cognitively demanding.

Psychoeducational assessment practices alone may not be indicative of a student's potential to succeed in the public school system since the language and format of the test may be unfamiliar to culturally diverse students. Currently there are few instruments for assessing LEP students that address the above discussed issues adequately. Even though the student may be assessed in the native or dominant language, the instruments may still not be appropriate. The inappropriateness could be due to the lack of consideration for cultural and linguistic variables in the data collection procedures. In addition, the students may not have had sufficient time to acquire the necessary language, behavior, and experiences that are necessary for successful performance on test items.

2. *Specific Consideration in Assessing Other Than English Language Students*

Given the above *Rationale*, the following considerations will ensure that an appropriate assessment is given to students with an other than English language background.

- Emphasis may need to be placed on other than standardized test data. Few instruments are available which have valid and reliable norms for culturally and linguistically diverse students. As a result, other avenues of data collection (i.e., task analyses, criterion referenced tests, etc.) should be used to gain a more accurate reflection of the student's abilities.
- At least one member of the assessment team shall conduct at least one structured observation of the student in the primary setting i.e., the current educational setting. The team member shall describe the results of this observation in the record.
- School records should be reviewed with specific attention given to attendance patterns, amount of time in the public school system, and type of bilingual or ESL services provided in the general education setting. These records should be discussed with the parents.
- Behavior throughout the testing situation should be recorded and analyzed in terms of the above discussed cultural and linguistic variables.
- Various factors that will affect the development of competency in English (e.g., type and number of years of exposure to English, level of acquisition and mastery of the first (home) language at the time of exposure to the second language) should be documented. It should be noted that language loss may depress both English and native language proficiency.
- Assessment personnel shall collect information to rule out, to the extent possible, linguistic, cultural or ethnic differences as the primary explanation for the stated referral problem. They shall document that educational need is not due primarily to unfamiliarity with the English language (Aid to Localities Legislation, 1986, S56.1).
- Testing information should be supplemented by all other information deemed relevant by the assessor.
- Information related to home language usage and a parental report of student behavior should be taken into consideration in the evaluation report.
- Special consideration should be given to the assessments of nonverbal, non-English background students, as well as to the use of nonverbal communication systems in the home during the bilingual assessment process.
- For students who exhibit severe language delays, it may not be feasible to obtain levels of English and native language proficiency through the discussed assessment proceures. For such students, the home language (as identified in the Home Language Identification Survey) should be used as the sole criteria to determine the need for a bilingual assessment.

B. CR PART 200 PROCEDURES FOR INDIVIDUAL EVALUATION

As discussed in *CR Part 200.4 (b)*, districts shall ensure that:

1. Tests and other assessment procedures:
   a. are provided and administered in the child's dominant language or other mode of communication, unless it is clearly not feasible to do so;
   b. have been validated for the specific purpose and on the population for which they are used; and
   c. are administered by trained personnel (who are sensitive to the linguistic and cultural needs of the student) in accordance with the instruction provided by those who develop such tests or procedures.
2. No single procedure is used as the sole criterion for determining an appropriate educational program for a child.
3. Tests and other assessment procedures include those tailored to assess specific areas of education need and not merely those which are designed to provide a general intelligence quotient.
4. Tests are selected and administered to ensure that, when a test is administered to a child with impaired sensory, manual or speaking skills, the test results accurately reflect the child's aptitude, achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory abilities, manual or speaking skills, cultural diversities, or limited English language abilities.
5. The evaluation is conducted by a multidisciplinary team or group of persons, including qualified bilingual personnel, and at least one teacher or other specialist with certification or knowledge in the area of the suspected disability.
6. The child is assessed in all areas related to the suspected disability, including where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, vocational skills,

communicative status (in the first and second language) and motor abilities.

7. The evaluation includes observation of the student in the current educational setting for initial referral.

8 The results of the evaluation are provided to the parents or persons in parental relationships in their dominant language.

C. DETERMINATION OF A BILINGUAL ASSESSMENT

Prior to initiating the CSE/assessment team's individual evaluation, a determination must be made as to whether the child needs to be assessed by a bilingual evaluation team.

1. To determine if the child needs a bilingual assessment, information which it reported and included in the referral and available through compliance with *CR Part 154* must be analyzed:

   a. Based on the Home Language Identification Survey (see Appendix A), determine the home language.

   b. Based on language proficiency testing (administered in compliance with *CR Part 154*), determine if the child is limited English proficient [scores below the established cutoff point on an oral language assessment instrument as determined by *CR Part 154* (see Appendix B)].

      For students who have been in the public school system in New York State and who have received services through *CR Part 154*, information on the Home Language Survey and language proficiency testing must be on file. This information must also be up to date. For students with obvious and/or documented handicapping conditions from educational settings outside of New York State, this information must be gathered. The responsibility for administering the Home Language Survey and language proficiency testing rests with the CSE.

   c. If language proficiency testing (item #b) does not yield sufficient information to determine the level of native language proficiency which would enable the CSE team to determine the dominant language, a different and more comprehensive measure must be obtained.

2. Based on the obtained language information, described in the previous section, determination of a bilingual evaluation is as follows:

   a. A bilingual multidisciplinary evaluation must be conducted when:

      1. The home language is other-than-English;

         and

         English language proficiency is *below* the established cutoff score.

      2. The home language is English;

         and

         The student is limited English proficient.

   b. An English language multidisciplinary evaluation with consideration for the cultural background of the student should be conducted when:

      The student is from a culturally and linguistically diverse background, with English as the home language;

      and

      The student is proficient in English.

D. THE BILINGUAL MULTIDISCIPLINARY ASSESSMENT

Once it has been determined that a referred student is in need of a bilingual evaluation, the individual evaluation shall proceed.

1. This evaluation must include, but not be limited to the following:

   a. documented observations in the current educational setting;

   b. the results of tests and other assessment procedures used to assess specific areas of educational need;

   c. the results of an assessment in all areas related to the suspected disability including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, vocational skills, communicative status, and motor abilities; and

   d. the results of a comprehensive language assessment in the native language and in English.

2. For bilingual assessments, the individual evaluation will be conducted using the native language of the student and English, as deemed appropriate by the bilingual evaluators. Consideration must be given to the child's cultural background.

3. When a bilingual evaluation is conducted, it must be reported and stated both on the IEP and in the psychological report(s). A statement should be added to the bottom of the report to indicate that the evaluation was conducted bilingually.

4. The bilingual multidisciplinary team should consist of:

   a. a qualified bilingual certified psychologist who is sensitive to the student's cultural background and who is skilled and knowledgeable in establishing and maintaining rapport with culturally and linguistically diverse students, in administering and scoring tests for diverse populations and in analyzing the results in light of the cultural/linguis-

tic/experiential background of the student. The use of a bilingual psychologist must be documented on the IEP;

b. a bilingual social worker who is sensitive to the cultural values, child-rearing practices, and family/community relationships within the culture of the student if the parent's home language is other-than-English; and

c. a bilingual educational diagnostician who is skilled in administering both formal and informal assessment measures to culturally and linguistically diverse students.

5. A list of bilingual professional specialists is available in the *New York State Directory of Bilingual School Psychologists and Other Pupil Services Personnel* (Suffolk BOCES, 1989), available from the State Education Department, Division of Bilingual Education.

6. Each district should develop a local directory of professional, paraprofessional, and outreach personnel who speak languages other than English.

7. If a bilingual team is not available at the district level, the CSE Chairperson (after consulting the NYS Directory) should consult special education/bilingual education/bilingual special education training resources.

8. When no evaluators can be identified and obtained within the language and cultural group of the LEP student, a trained translator must assist the CSE in the student's assessment. The reasons for use of a translator must be documented and stated on the IEP. If no translator is available within the district, the CSE should refer to the *Directory of Language Translators in New York State* (Monroe #2-Orleans BOCES, 1989), available from the State Education Department, Division of Bilingual Education.

E. ASSESSMENT DATA

The following guidelines should be followed in the collection of the assessment data, as determined by the nature of the referral.

1. Observational Data

a. Observational data are needed in order to provide systematic and objective information regarding the student's behavior in formal and informal contexts by someone other than the referring person. Information should include the following:

1) peer dynamics within the cultural group;

2) amount of group participation when using the native language and when using English;

3) classroom structure and organization;

4) characteristics of the teaching/learning environment; and

5) student-teacher interactions.

2. Intellectual Assessment Data

a. Assessment of cognitive functioning should be conducted by a bilingual certified psychologist who is sensitive to the cultural background of the student and aware of indications of culturally appropriate behavior that may be demonstrated throughout the testing situation.

b. Standardized intelligence tests must be valid. (Note: Standardized tests are valid only for those populations included in the standardization sample.)

c. Scores obtained from tests translated but not standardized on the student's cultural group or translated by the examiner during the assessment process may not be used as representative of the student's present performance. The information collected and reported should be of a descriptive nature. Reports should state the language in which the tests were administered and whether a translator was used during the assessment.

d. Consideration should be given to the student's ability to adapt to new learning situations and the potential for the student to modify and apply new skills to a variety of different areas through active learning. This requires assessment which looks at the "process" of cognitive functioning rather than the "end product" as measured by static intelligence tests.

3. Adaptive Behavior Data

a. Adaptive behavior should be assessed within the linguistic and cultural framework of the student.

b. When recording adaptive behavior of language minority pupils, their learning styles, approaches to learning, communication strategies, and psychomotor abilities, as well as aspirations, should be described.

c. Much of the adaptive behavior information will be obtained from observing the student in different situations and in different settings. Adaptive behavior data may be acquired from interviewing parents, siblings, peers, and significant others through a systematic, objective framework.

d. Examiners should be cautious in judging as atypical any adaptive behavior that is appropriate within a specific culture.

4. Social/Emotional Behavior Data

a. Social/emotional behavior data should be collected

through informal and formal means and in a variety of contexts which reflect interaction with students from similar social and cultural backgrounds.

b. Social/emotional behavior should be objectively reported in terms of appropriate behavior within the linguistic and cultural framework of the family and community.

c. Consideration should be given to the student's level of acculturation and use of behavioral roles and rules associated with language and culture.

5. *Sociocultural Information*

a. When collecting data on students from culturally diverse backgrounds, all aspects of the student's environment should be considered and different means of assessing the student should be used.

b. Interviews and informal measures should be used to collect sociocultural information.

c. Sociocultural information should be documented by the bilingual social worker in relation to home and family responsibilities, cultural practices and behavior patterns, traditional vs. non-traditional values, the role of education, and religious beliefs in order to aid in the interpretation of all data collected by the multidisciplinary team.

6. *Academic/Educational Test Data*

a. Testing information should be supplemented by all other information deemed relevant by the assessor.

b. Standardized tests are valid only for those populations included in the standardization population of the test. If a test used to assess an LEP student is not valid for the student, informal assessment tools may be the best alternative. When the informal assessment techniques are used, clinicians should describe the tasks presented, how they were presented, the child's responses and the basis for the conclusions drawn from the behaviors described.

c. Scores obtained from tests translated, but not standardized, on the student's cultural group or translated by the examiner during the assessment processes may not be used as representative of the student's present performance. The information collected and reported should be of a descriptive nature. Reports should state the languages in which the tests were administered and whether a translator was used during the assessment.

7. *Language Assessment*

a. The student's development in both languages should be assessed and current levels of proficiency in different skill areas (i.e., oral, writing, reading) should be established. Such language assessment should include data in language proficiency that is related to both informal communication skills and to communication skills necessary for cognitive/academic environments.

b. Language observations should include language in natural communication settings in various contexts, including the verbal and nonverbal strategies between the parent/guardian and the child.

c. The assessment of language development should include the following components, in both the native language and in English:

i. prelanguage requisites;

ii. receptive language abilities;

iii. expressive language abilities;

iv. communicative competence (pragmatics) and functional language usage; and

v. language used for academic tasks (reading, comprehension, oral dictation, the ability to retell a story, etc.).

d. Proficiency in different contexts should be documented (e.g., face to face communication, interpersonal communication, and academic literacy). Many LEP students will have the skills listed above (under c) better developed in their other-than-English language. On the other hand, the students may perform better in English in formal academic areas, due to the number of years of instruction in English.

e. Language and phonological assessment should take into consideration the difference between the sound and grammatical system of English and the student's other-than-English language. Some variations should not be considered speech or language disorder.

f. In assessing the student's abilities in both languages, the dialect and/or language used by the community should be used as the norm with consideration given to phonemic, semantic and syntactic variations within each dialect. The age of the student when the second language was introduced, and the manner in which it was introduced, is also important.

g. The language assessment of the LEP student is crucial. Language data is essential to distinguishing characteristics associated with the normal second language acquisition process and those associated with a specific language disorder.

h. If a language disability or a disorder of voice, fluency, or articulation is suspected, it should be evidenced in the native language of the student. A comprehensive speech and language assessment in the native language is needed. This assessment should be conducted by a bilingual licensed/certified speech and language specialist.

i. For students who exhibit severe language delays, it may not be feasible to obtain levels of English and native language proficiency through the discussed assessment procedures. For such students, the home language (as identified in the Home Language Identification Survey) should be used as the sole criteria to determine the need for a bilingual assessment.

j. Special consideration should be given to the assessment of nonverbal, non-English-background students. Such consideration may include nonverbal communication systems during the bilingual assessment process.

F. REVIEW OF EVALUATION DATA

At the CSE Review Conference, assessment personnel should ensure that the following take place:

1. The CSE shall discuss the role of cultural and/or linguistic factors related to the stated referral problem or problems identified by assessment personnel, as well as other possible explanations for the student's behavior before determining if special education services are required. The substance of the discussion shall be noted in the record.

2. Before a student is classified as having a handicapping condition and found in need of special education, assessment personnel should be satisfied that intervention strategies, native language instruction, academic development, and intensive ESL instruction within the regular education systems would not more appropriately serve the student's needs.

3. Before a student is classified as handicapped, the CSE must ensure that the educational needs are not due primarily to unfamiliarity with the English language, environmental or cultural diversity (Aid to Localities Legislation, 1986, p. 334).

4. In order to classify a student as handicapped, the CSE shall rely on evidence which indicates that the handicapping condition interferes with the student's ability to function effectively in a regular education placement, including a bilingual education setting. In all subsequent considerations of classification and/or program placement, the CSE must consider whether the student could function effectively in a less restrictive environment.

IV. INDIVIDUALIZED EDUCATION PROGRAM (IEP)

A. GENERAL CONSIDERATIONS

Once the student has been identified as being eligible for special education services, recommendations are made by the CSE and the development of the IEP is begun. The development of the IEP for the LEP student takes into consideration the special needs of the student, as well as the following elements:

1. the extent of instruction in subject/cognitive areas in the native language or in English, as appropriate;
2. reinforcement of the student's use of the native language where a need is indicated;
3. intensive instruction in English as a second language (ESL);
4. instruction which focuses on the student's abilities (linguistic and cognitive) while targeting the area of disability; and
5. the extent to which the student will participate with nonhandicapped (both LEP as well as English proficient) students in a mainstreamed setting.

B. PHASE I

1. In addition to the information stipulated in *CR Part 200.4 (c) (2)*, Phase I of the IEP for LEP students shall take into consideration the following language related issues:
   a. present levels of performance in the native and in the second language;
   b. the language(s) of instruction for each particular goal;
   c. the recommended program and level of bilingual special education services to be provided;
   d. alternative testing procedures and/or modifications related to both limited English proficiency and handicapping conditions;
   e. specification of services to meet the linguistic and cultural needs of the LEP student;
   f. the language(s) in which related services will be provided;
   g. degree of participation with English-speaking children;
   h. specification of language intervention in the native and in the second language (development, enrichment, remediation); and
   i. projected date for the initiation of special education and related services, the amount of time per day the pupil will receive such services and whether the pupil is eligible for a 12-month educational program.
2. *Meeting of the Committee on Special Education for Phase I*

All CSE proceedings must be understandable to the parent. For non-English-proficient parents of LEP students referred for an evaluation, this requirement is met when a bilingual professional attends the meetings. This person should, if possible, be a person who was part of the evaluation team. If the attendance of a bilingual professional is not possible, a translator must attend the meeting. The participation of bilingual professionals and translators is then documented on Phase I of the IEP.

C. PHASE II

The parent is invited to participate in the planning conference for Phase II of the IEP. A notice of the planning conference must be sent to the parent or legal guardian of the student in their preferred language at least five days prior to the proposed date of the conference.

The conference for each pupil newly identified as having a handicapping condition shall be conducted as soon as possible, but no later than 30 days after the pupil enters the recommended special education program.

Participants at the planning conference must include the pupil's teacher, the pupil (whenever appropriate), the parent or legal guardian, and other individuals at the discretion of the parent or agency. The agency shall ensure that the parent understands the proceedings at the meeting and shall arrange for the presence of an interpreter, if necessary. If the pupil is not in a district-operated program, a representative of the school district responsible for the development of phase I of the IEP who is qualified to provide or supervise the provision of special education shall be given the opportunity to attend. A representative

of the agency, other than the pupil's teacher, who is qualified to provide or supervise the provision of special education shall also be given the opportunity to attend the initial planning conference and shall attend each subsequent planning conference for such pupil. A member of the evaluation team, or a person who is knowledgeable about the evaluation procedures used with the pupil, shall also be given the opportunity to attend the planning conference for a pupil who is being placed for the first time. In addition, a bilingual team member involved in the bilingual assessment shall be given the opportunity to attend the initial Phase II conference for those pupils being placed for the first time. If the attendance of a bilingual professional is not possible, a translator must attend the planning conference to ensure that the parent understands the proceedings at the meeting.

A translation of the IEP must be provided in the parent's preferred language. Assessment reports should be orally translated in the preferred language of the parents.

The planning conference shall result in the following additions to the individualized education program (IEP) developed during Phase I:

1) a statement of short-term objectives consistent with the annual goals for the student,
   a) language of instruction for short-term objectives,
   b) language intervention (enrichment, development, remediation) in the primary language of the student, and
   c) goals and objectives for English as a second language.
2) appropriate objective criteria and evaluation procedures consistent with the student's linguistic abilities in the first and in the second language.

V. DUE PROCESS

All Parts of *CR Part 200.5—Procedural Due Process* must be met. This includes the following rights: informed decisions, involvement, impartial hearings and appeals. In addition, the following two areas are of particular significance.

A. PARENTAL INVOLVEMENT DURING ASSESSMENT

A parent's preferred language of communication is verified by the CSE upon receipt of the referral form. If such information is not available on the referral form, the CSE can determine the language of communication by reviewing school records and from the initial contact with the parent. The language of the parent will determine the need to provide bilingual services during conferences and in all communication (written and oral) with the parent.

A bilingual professional should be obtained for all conferences with parents. A list of bilingual school social workers can be found in the *New York State Directory of Bilingual School Psychologists and Other Pupil Services Personnel* (State Education Department, 1986). If, after efforts to find a bilingual social worker have been followed and one cannot be found, the efforts must be documented. In this case, a trained translator fluent in the parent's language can assist during the assessment process. The parent may choose to bring his/her own translator, once advised of the use of technical language. The bilingual professional must document that due process rights were explained to the parents in their language.

B. NOTICES

All written notices must be translated into the preferred language, if other than English, of the parents. The timelines for sending such notices to parents are the same for all cases.

VI. RANGE OF SERVICES

A. GROUPING BY NEEDS

In accordance with *CR Part 200.6*, limited English proficient students with handicapping conditions placed together for purposes of special education shall be grouped by similarity of individual needs. The chronological age range and class size requirements set forth in *CR Part 200.6* must be followed for LEP students with handicapping conditions as for all students. The four areas of need—academic, social, management and physical—should be supplemented for LEP students as follows:

- the range of academic or educational achievement as appropriately determined through a bilingual special education evaluation;
- the social development of each student with consideration for the sociocultural background of the student;
- the management needs of the students with consideration for their degree of acculturation and the influence of culture and language on socialization practices and motivational styles; and
- the level of physical development commensurate with cultural and environmental norms.

In accordance with *CR Part 200.6*, appropriate special education placement for LEP students with handicapping conditions includes:

transitional support services,
consultant teacher,
related services,
resource room program,
special classes, and
home and hospital instruction.

In each of these six special education settings, bilingual special education and/or services are provided so as to enable LEP students with handicapping conditions to benefit fully from instruction. The amount of time that an LEP student with handicapping conditions spends in bilingual special education (BSE) is related to the *Levels of Services* as described in *CR Part 200.6.i(1)*. The level of BSE service(s) is determined by the individual needs of the student.

The bilingual special education programs and/or services are similar in nature to those provided in monolingual special education programs. An important goal of special education is the development of conceptual, academic, linguistic and social abilities commensurate with the potential of the student. This goal is accomplished in bilingual special education through (a) instruction in the primary language of the student, (b) consideration of the role of culture in learning, and (c) the provision of appropriate English as a second language (ESL) methodologies necessary to master English language skills: listening, speaking, reading, and writing.

B. ELIGIBILITY FOR BILINGUAL SPECIAL EDUCATION INSTRUCTIONAL SERVICES

1. Determination of the level of bilingual services for LEP students with handicapping conditions is based upon a comprehensive, multidisciplinary assessment, including an assessment of the student's level of performance in both languages. This determination is reviewed by the CSE.

2. The degree to which the native language of the LEP student with handicapping conditions is used for instruction in bilingual special education will vary from student to student, depending on the student's level of proficiency in the native language and in English. The following are *examples* of different levels of limited English proficiency and a description of how those levels may be matched to an appropriate percentage of time in instruction in the native language and in the English language when developing the IEP:

   a. As a result of the bilingual team's comprehensive assessment, it is determined that a pupil speaks no English. This student will be provided with a bilingual special education program which includes development and continued reinforcement of the native language; beginning instruction in English as a second language (ESL); and content area instruction in the native language. It may be expected that this student will receive 80 percent of instruction in the native language and 20 percent of instruction in the English.

   b. As a result of the bilingual team's comprehensive assessment, it is determined that the pupil has *some* proficiency in English (either oral or reading). This student is still limited English proficient, however,

and is provided with a bilingual special education program. This program includes the development and continued reinforcement of the native language; instruction in English as a second language, including reading and writing, as well as speaking and listening; and content area instruction in the native language and in English. The degree to which the native language and English is used in content area instruction depends on the student's level of proficiency in English. Students whose proficiency in the native language is greater than their proficiency in English may receive 60-to-70 percent of instruction in their native language and 40-to-30 percent of their instruction in English. If the clinical assessment shows that the LEP student with handicapping conditions is equally proficient in both languages or is more proficient in English than in the native language, that student may receive 50-to-80 percent of instruction in English and 50-to-20 percent of instruction in the native language, as appropriate depending on the handicapping condition.

c. As a result of the bilingual team's comprehensive assessment, it is determined that the student has developed "surface" abilities related to vocabulary, pronunciation, and grammar. The student has mastered the ability to follow directions, read instructions, understand content and ask questions in English as evidenced in the performance profiles. Although social English language skills may be improving, English language skills are not proficient enough for the cognitive and linguistic demands of instructional tasks. Such students continue to require content area instruction in the native language.

3. The CSE may deem it appropriate to recommend bilingual special education for students whose native language score is the same or lower than the English score. The CSE may also deem it educationally appropriate to recommend bilingual special education services for students who score at or above the established cutoff score on a language proficiency test.

C. RANGE OF BILINGUAL SPECIAL EDUCATION INSTRUCTIONAL PROGRAM/SERVICES

Guidelines for Determining Appropriate Bilingual Special Education Instructional Programs

The determination of the level of bilingual special education instructional services is based on language needs as determined by the CSE bilingual assessment team and the development of a performance profile in both languages. In their acquisition of English as a second language, individual students will be at different developmental levels. Therefore, within each of the program levels (transitional support services, consultant teacher, related services, resource room classes, special classes and hospital/home instruction), there is a range of bilingual special education services to respond to the linguistic needs of each student.

Bilingual special education instruction may range from receiving native language instruction 80 percent of the time and English language instruction 20 percent of the time, to native language instruction 20 percent of the time and English language instruction 80 percent of the time. Figure VI.1 depicts the range of services and percent of instruction in the native language and in English.

The annual goals, as established in Phase I, should reflect the level of special education services (i.e., transitional support services, consultant teacher, related services, resource room programs, special classes and home and hospital instruction), as well as the extent of bilingual special education programming as outlined in Figure VI.1. These general goals will be further developed by the BSE teacher through a comprehensive assessment of the student's current level of performance. The provision of bilingual special education programming for LEP students with handicapping conditions may thus be at varying points within the *Range* (Figure VI.1), with the goal of gradually increasing English language instruction.

Figure VI.I

Range of Bilingual Special Education Instructional Services

NLI 80 percent ESL 20 percent	NLI 60 percent ESL & ELI 40 percent	NLI 50 percent ESL & ELI 50 percent	NLI 40 percent ESL & ELI 60 percent	NLI 20 percent ESL & ELI 80 percent
(Non-English speaker or social academic language predominantly other than English. Functional skill development other than English.)		(Social language is increasing in English. Academic language for context reduced, cognitive tasks is other than English.)		(Social language is English. Academic language is not equal to a native speaker. Functional development is in English.)

NLI = Native language instruction
ESL = English as a second language
ELI = English language instruction

The types of bilingual special education instructional programs, from full integration of the first language (Ll) to partial integration of Ll, should be determined through the comprehensive bilingual evaluation. The bilingual special education program applies to students receiving all levels of special education services (i.e., transitional support services, consultant teacher, related services, resource room, special class, and home and hospital instruction), with consideration for the following:

a. Students who speak a language other than English and
   i. score higher in the native language than in English on the comprehensive language assessment (Section IV),
   ii. who are able to communicate functionally in various contexts in the dominant language as indicated by performance on instruments and interviews conducted/administered in accordance with the procedures in Sections IV,
   iii. whose reading ability is higher in the native language than in English (regardless of standardized age norms for reading level),
   iv. whose reading abilities are comparable in both languages or higher in English (even though both may be below level for chronological age norms),
   v. who are able to participate in curriculum area instruction presented in the native language as indicated by performance on instruments used in a bilingual assessment,
   vi. who are not able to participate in instruction presented in English only, as indicated by performance on instruments used in a bilingual assessment;
b. Students who are equally limited in both the native language and in English and who have been participating in a bilingual program;
c. Students who are equally limited in both the native language and in English and who have been participating in a monolingual English program; and
d. Students who, due to the severity of the handicapping condition, have limited linguistic potential.

The types of BSE instructional programs for students placed in resource rooms is directly related to the amount of time in the resource room. In addition, the language of instruction in the mainstream class must be considered.

In accordance with Chapter 827 of the Laws of 1982, bilingual programs shall be designed to:

a. provide content area instruction for children of limited English proficiency using the native language and English;
b. provide native language instruction; and

c. provide English as a second language instruction.

Based on the requirements of Chapter 827 and the individual needs of the handicapped learner, bilingual special education instruction provides for the following areas:

a. Language arts in the native language (listening, speaking, reading, and writing) simultaneously appropriate to the special education needs of the student;

b. Native language instruction in substantive areas, whose content is context reduced and therefore demands more cognitive and linguistic input from the student;

c. Increasing English language instruction for substantive areas which demand less cognitive and linguistic input from the student and are more context embedded;

d. Gradual increase in the number of subjects provided in English, as appropriate to the special needs of the student;

e. Intensive English as a second language instruction appropriate to the special needs and functional skills of the learner with handicapping conditions and ESL techniques incorporated into subject area instruction;

f. Functional skill development through the use of the native language and English, as well as the culture and community orientation of the student;

g. Interpersonal skill development using the native language and culture of the student;

h. Assistance in developing a positive self-concept and self-identity through awareness of the student's native cultural heritage, as well as assistance in functioning within an English speaking school system/culture.

D. RELATED SERVICES

Limited English proficient students may be eligible to receive speech and language therapy, counseling and other related services in the native or dominant language. Disorders of voice, fluency, and articulation as well as language/communication disabilities must be determined in the primary language of the student. Limitations in the second language may be due to limited exposure and ability in English. As a result, LEP students cannot be classified as speech and language impaired nor can they be eligible for speech and language special education services without a speech and language assessment in the native language. Should such disorders be detected in the *native language*, the student must receive native language speech and language therapy. This must be documented on the IEP. Other related services may be provided by a bilingual professional or with a trained translator, as appropriate.

Figure VI.2

Program Type, Level of BSE Instruction and Delivery of Services

Type of Program	*Level of Service*	*Delivery of Service*
Transitional Support Services	Consulting services available to special or regular education when a child with a handicapping condition moves to a less restrictive environment.	Qualified/certified bilingual special education teacher.
Consultant Teacher	Direct/indirect - minimum 2 hours per week in regular classroom.	Qualified/certified bilingual special education teacher.
Related Services	Speech/language services and counseling in the native language. Other related services as appropriate.	Qualified/certified bilingual specialists.
Resource Room	Minimum - three hours per week in BSE instructional service to Maximum - 50 percent of the time during the day in BSE instructional service.	Itinerant BSE teacher; bilingual special education resource room teacher.
Special Class	Self-contained classes providing bilingual special education.	Bilingual special education teacher or special education team teaching (pairing of bilingual special education and monolingual special education teachers) or departmentalized/secondary classes given by BSE teacher
Home and Hospital Instruction	Elementary level - minimum of 5 hours per week with BSE instructional service Secondary level - minimum of 10 hours per week with BSE instructional service	Bilingual special education teacher.

VII. ANNUAL REVIEW AND TRIENNIAL EVALUATION

A. ANNUAL REVIEW

Prior to conducting the annual review conference the CSE shall arrange to send a letter to the parents in their dominant language. All annual review conference proceedings must be understandable to the parents. For all students receiving special education services, the service provider must attend the conference. If the attendance of a bilingual professional is not possible, a translator must attend the meeting. The participation of bilingual professionals and translators must be documented in Phase I of the IEP.

At the annual review, the individualized education program of each LEP handicapped student must be reviewed. Information which should be available for this review includes:

1. Updated language proficiency test results in the native language and in English. This should include both social and academic language skills.
2. Current levels of performance as measured in accordance with the student's level of language proficiency.
3. A statement of the language of instruction that is being used for IEP goals and objectives.

Implementation of the recommendation must occur 30 days subsequent to the CSE final recommendation or as specified on the IEP. This may include those instances where there has been a change in the services provided, from bilingual to monolingual, or monolingual to bilingual.

B. TRIENNIAL EVALUATION

The triennial evaluation is a comprehensive re-evaluation of a student with a handicapping condition which is conducted every three years. The same guidelines to determine if a bilingual assessment is needed (as described in Section IV) apply to the triennial evaluation.

The purpose of the triennial evaluation for the LEP student is the same as for monolingual students: to update the LEP student's present levels of educational performance (including performance in both languages) and to analyze/document the student's instructional needs. The result of the triennial evaluation is a new Phase I IEP or recommendation for declassification. Any change in placement must be implemented 30 days from the date of the final recommendation or as specified in the Phase I IEP.

VIII. DATA COLLECTION AND REPORTING

In accordance with *CR Part 200.2* and *CR Part 154*, data on LEP students who exhibit handicapping conditions must be collected and reported by districts.

A. Procedures shall be designed to record data on each pupil, and shall include, at a minimum, the following types of information:

1. pupil's name, address, and birthdate;
2. pupil's parents' names, address(es), and the pupil's home language (home language identification);
3. pupil's suspected handicapping condition;
4. pupil's level of language proficiency (both the first and the second language) and the name of the instrument used to determine proficiency;
5. dates of referral, bilingual evaluation, recommendations of the CSE, actual placement in bilingual special education, and annual program reviews;
6. site where the pupil is currently receiving a bilingual special education program; and
7. if the pupil is not receiving an appropriate bilingual special education program, the reason shall be described.

B. School districts shall report on the State Limited English Proficiency Aid application forms LEP students with handicapping conditions who are:

1. served in bilingual special education programs and range/type of bilingual special education programs, and
2. unserved in bilingual special education programs and the reasons they are unserved.

C. Each district must describe the nature and scope of special education programs for LEP students and the bilingual services available to pupils in the district. These should include, but not be limited to, descriptions of the district's related services, resource room programs for LEP students, and each special class program provided for LEP students. Group size and composition (refer to Section VI for Range of Delivery of BSE Programs for LEP Students) should be stated.

D. Each district must identify the number and age span of pupils to be served by (a) the dominant language of the student's home, (b) the type of handicapping condition, and (c) the recommended bilingual special education setting.

IX. PERSONNEL

Throughout the referral, evaluation, IEP development, placement and review, the following personnel who are both bilingual and bicultural must be secured for the provision of services:

A. Bilingual/bicultural members of the multidisciplinary team including social workers, diagnosticians, and psychologists. A list of such bilingual professionals can be found in the *New York State Directory of Bilingual School Psychologists and Other Pupil Services Personnel* (Monroe#2-Orleans BOCES, 1989), available from the State Education Department, Division of Bilingual Education.

B. Related services providers including bilingual/bicultural speech pathologists, counselors, audiologists, occupational therapists and physical therapists, as included on the IEP.

C. Bilingual special education teachers who are appropriately certified in special education with an endorsement in bilingual education.

D. Supervision of bilingual special educational services should be provided by administrators and supervisors with valid certificates who are trained in bilingual special education.

Excellent programs leading to degrees/certificates/licenses in bilingual special education and related services currently exist in New York State. A list of such programs is available to all districts for training (or retraining) of existing personnel. This list may be obtained by contacting the Division of Bilingual Education at any one of the three regional offices:

1. New York State Education Department
   Division of Bilingual Education
   Washington Avenue, Room 228 EB
   Albany, New York 12234
   (518) 474-8775

2. New York State Education Department
   Division of Bilingual Education
   Long Island Regional Office
   Valentine and Plain Roads
   Westbury, New York 11590
   (516) 997-7010 Ext. 281

3. New York State Education Department
   Division of Bilingual Education
   New York City Regional Office
   55 Hanson Place
   Brooklyn, New York 11217
   (212) 488-7294 or (718) 260-2759

APPENDICES

A. HOME LANGUAGE IDENTIFICATION SURVEY

New York State Education Department
Division of Bilingual Education/Bureau of School and Categorical Programs Evaluation
Albany, New York 12234

PARENT/GUARDIAN HOME LANGUAGE IDENTIFICATION SURVEY*

District:_____ School:_____ Class:_____

Relationship of Person Completing Survey: Mother Father Guardian

Student Identification Number:_____

Directions: Circle the correct response for each of the following questions concerning your child.

1.	What language did the child learn when s/he first began to talk?	English	Spanish	_____**
2.	What language does the family speak in the home most of the time?	English	Spanish	_____**
3.	What language does the mother speak to her child most of the time?	English	Spanish	_____**
4.	What language does the father speak to his child most of the time?	English	Spanish	_____**
5.	What language does the child speak to his/her mother most of the time?	English	Spanish	_____**
6.	What language does the child speak to his/her father most of the time?	English	Spanish	_____**
7.	What language does your child speak to his/her brothers and sisters most of the time?	English	Spanish	_____**
8.	What language does your child speak to his/her friends most of the time?	English	Spanish	_____**

_____
(Signature of Person Completing Survey)

_____
Date

B. STEPS IN THE IDENTIFICATION OF ELIGIBLE LEP STUDENTS IN DISTRICTS OUTSIDE OF NEW YORK CITY

CR 117

DIAGNOSTIC SCREENING

STEP 1 ADMINISTER HOME LANGUAGE SURVEY

STEP 2 STUDENTS WHO COME FROM HOMES WHERE A LANGUAGE OTHER THAN ENGLISH IS SPOKEN ARE INTERVIEWED IN ENGLISH

CR 154

ENGLISH LANGUAGE ASSESSMENT

1. Student speaks no English...
NO NEED TO GO TO STEP 3.
STUDENT IS NON-ENGLISH SPEAKING.
THIS STUDENT MUST BE PLACED IN APPOPRIATE PROGRAM.

2. Student speaks some English...
GO TO STEP 3.

STEP 3 ADMINISTER ORAL ENGLISH LANGUAGE TEST TO STUDENTS WHO SPEAK SOME ENGLISH

1. Student scores at or below "cutoff point" on an oral language instrument..
NO NEED TO GO TO STEP 4.
STOP ASSESSMENT. STUDENT IS LIMITED IN ORAL PROFICIENCY. THIS STUDENT MUST BE PLACED IN AN APPROPRIATE PROGRAM.

2. Student scores above "cutoff point" on oral language instrument...
GO TO STEP 4.

STEP 4 ADMINISTER ENGLISH READING TEST

1. Student scores at or below statewide reference point or the 40th percentile on a standardized test of English reading.
STOP ASSESSMENT. STUDENT IS LIMITED IN PROFICIENCY IN READING ENGLISH. THIS STUDENT MUST BE PLACED IN AN APPROPRIATE PROGRAM.

2. Student scores above statewide reference point or the 40th percentile on a standarized test of English reading.
STUDENT IS NOT LIMITED ENGLISH PROFICIENT.

END

U.S. Dept. of Education

Office of Education
Research and
Improvement (OERI)

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